

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DAMON E. FITZGERALD,

Plaintiff,

vs.

NEBRASKA DEPARTMENT OF
CORRECTIONAL SERVICES, SCOTT
FRAKES, sued in their official and
individual capacities; et al.;

Defendants.

8:16CV101

**MEMORANDUM
AND ORDER**

The court ordered Plaintiff to file an amended complaint by March 30, 2017, or face dismissal of this action. To date, Plaintiff has not filed an amended complaint or taken any other action in this matter.

IT IS THEREFORE ORDERED that: This matter is dismissed without prejudice because Plaintiff failed to prosecute it diligently and failed to comply with this court's orders. The court will enter judgment by a separate document.

Dated this 17th day of April, 2017.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge